

Annex 3 – Green Investments in Mozambique

Schedule of Policies, Laws and regulations relevant to Green Investments in Mozambique

Instrument / Document	Subject / Observations
<i>Law on Water Affairs</i> <i>August 1991</i>	
<i>Decree 28 / 1995</i>	Creates EDM EP from EDM EE created in 1977
<i>National Water Policy</i> <i>August 1995</i>	
<i>Law 11 / 1996</i>	Identifies and regulates the responsibility of Municipalities for collection and treatment of Municipal Solid Waste
<i>Resolution 10 / 1997 of 7th April</i> <i>Forestry and Wildlife Policy</i>	The National Forestry and Wildlife Policy empowers local communities to own and participate in the management of natural resources through community based natural resources management (CBNRM) initiatives. This policy opens space for communities to enter into partnership arrangements with private sector through forestry concession systems for bio-energy production.
<i>Law 19 / 1997</i> <i>Land Act</i>	Land Law

<i>Law 20 / 1997</i> <i>The Environment Law</i>	Sets the legal basis for the use and proper management of the environment and its components. It also includes specific measures of environmental protection, and sets parameters and minimum content of environmental impact assessments.
<i>Law 21 / 1997</i> <i>Electricity Law</i>	Approves Electricity Law and creates CENELEC. Currently under review by MoE; revision expected by end of 2011
<i>Decree 24 / 1997</i>	Creates FUNAE to stimulate off grid access to modern energy
<i>Resolution 5 / 1998</i>	Approves Energy Policy
<i>Decree 76 / 1998</i>	Regulations for preparation of Environment Impact Assessments (EIA): establishes rules and procedures for Environment Impact Assessment.
<i>Law 10 / 1999 of 7th July</i> <i>Forestry and Wildlife Law</i>	The Forest Law and implementing regulations issued by MADER (now MINAG) are important for roads and transmission lines crossing or potentially impacting on forests (1). According to the Forest Law, all forest and wildlife resources in Mozambique belong to the State. The main objectives of this law are to protect, conserve, develop and utilize the forest and wildlife resources of the country in rational and sustainable ways for economic, social, and ecological benefits for current and future generations. The Law and its Regulations, issued by MINAG, also stress that the State may delegate the power of forest resource management, including the objectives of replanting forests and restocking wildlife, to local communities, associations or to the private sector. The Forest and Wildlife Law gives a list of protected species of animals and plants and timber species and lists fines for hunting, killing, or other exploitation (2). The Law establishes a process of

¹ It is important to note that MINAG generally is charged with oversight of rural lands on behalf of the State. Exceptions include national parks and conservation areas, which are under the jurisdiction of the Ministry of Tourism (MITUR), although forest reserves remain under the jurisdiction of MINAG.

² Mozambique: Environmental Threats and Opportunities, ARD, December 2002.

	participatory management of resources in which a management council (conselho de gestão) is created, which includes members of the community, local government, private operators, and other associations (Article 31, No. 1).
<i>Decree 8 / 2000</i>	Regulates the Electricity Law
<i>Decree 25 / 2000</i>	By-laws of CENELEC
<i>Decree 3 / 2001</i>	Crude oil law
<i>Law 12 / 2002</i>	Regulates the security of tenure, legal rights and benefits of rural populations dependent on forest resources in Mozambique.
<i>Agenda 2025 Adopted 2003</i>	Sets out a vision / plan for development that emphasizes the conservation of the environment: identifies guidelines and priorities for implementation of cleaner production programmes in the medium and long term.
<i>The Regulation on Public Water Supply, Drainage and Wastewater Systems in Mozambique Approved June 2003</i>	
<i>National Environmental Strategy 2005 – 2015 Approved 2004</i>	Provides a framework for sustainable use of natural resources and conservation of biodiversity, reduction of pollution, reduction of disease and provision of urban planning and water sanitation services. The strategy emphasises the promotion of public private partnerships and the importance of growth in the productive / agricultural sectors.

<p><i>Decree 18 / 2004 of June 2</i></p> <p><i>Regulation on Noise, Soils & Water & Air Effluents</i></p>	<p>Lays out the standards for environmental quality and the emission of effluents. This regulation sets standards for air, water, soil and noise. It provides standards for water for human consumption, irrigation, fish farming, recreational uses and food processing (Art. 12 and Annex VI) and for liquid effluents (Art. 16). In general, the emission of effluents should occur in such a manner that “there is no change in the quality of the receiving environment which makes the use of its waters for other aims impossible” (Art. 16). In Annex IV, the Decree defines the standards for liquid effluents with regard to colour, smell, pH, temperature, chemical oxygen demand, total suspended solids, phosphorus and nitrogen for fresh water bodies.</p>
<p><i>Decree Number 45 / 2004</i> <i>(Environmental Impact Assessment Process) and update by Reg 48 / 2008</i></p>	<p>Provides the overall framework for the EIA and environmental licensing process. Some changes on licensing rules have changed with Reg 48 / 2008.</p>
<p><i>Decree 42 / 2005</i></p>	<p>Rules for industrial Electrical Installations - generation, trading, distribution</p>
<p><i>Decree 43 / 2005</i></p>	<p>Nominates EDM as the RNT concessionaire</p>
<p><i>Decree 44 / 2005</i></p>	<p>Natural gas</p>
<p><i>Water Sector Strategy 2006</i></p>	<p>Provides a framework for the integrated management of water resources so as to contribute to socio-economic development.</p>

<i>Ministerial Diploma 130 / 2006.</i>	Stipulates requirements for public consultation and participation in the EIA process. This Ministerial Diploma was included to address several weaknesses in the public participation and public information requirements of MICOA's previous requirements ³ .
<i>Decree Nr. 13 / 2006 15th of June 2006</i>	<i>Approves the Regulation for Waste Management.</i> These Rules establish how to deal with production, storage (in soil / sub-soil), emission in water or air, of any toxic and polluting substance, as well as any polluting practice that may accelerate environmental degradation, with the objective to prevent or minimize its impacts on health and the environment.
<i>The National Integrated Urban Solid Waste Strategy</i>	Advocates the recycling of solid wastes and encourages the development of markets in recycled materials as well as promoting the establishment of a recycling industry and the participation of the private sector.
<i>Maputo City Waste Management Strategy September 2006</i>	<i>Provides a framework of improvement to the collection and disposal of MSW in Maputo: targets the introduction of polluter pays principle and the achievement of cost – revenue equilibrium.</i>
<i>National Action Plan on Adaptation (NAPA) 2007</i>	Led by MICO the NAPA outlines climate change impacts in Mozambique and immediate adaptation priorities.
<i>National Sustainable Development Strategy Approved June 2007</i>	Provides a framework for partnership of government with civil society and the private sector for the integrated planning of growth measures and projects under the guidance of sustainable development principles.

³ Mozambique Transfrontier Conservation Areas and Tourism Development Project, Environmental and Social Management Framework, November 2004.

<i>The National Water Resources Management Strategy (ENGRH) 2007</i>	Aimed at improving the implementation of the National Water Law. The ENGRH recognizes that the country is vulnerable to the occurrence of extreme events such as floods and droughts and that such events will increase in frequency. It defines policies that help to mitigate and manage these events.
<i>Energy Master Plan 2009 – 2013</i>	Sets out the least cost investment plan (LCIP) on power generation and development / extension of the RTN grid
<i>Energy Generation Master Plan July 2009</i>	Elaboration of the least cost investment plan (LCIP) for prioritisation of the sequence of investments in generation projects
<i>Renewable Energy Strategy for Mozambique (2009)</i>	Approved by Council of Ministers in May 2011
<i>National Biofuels Strategy</i>	
<i>Resolution 10 / 2009</i>	Approves Energy Strategy
<i>Government Quinquenal Program 2010-2014</i>	5 year overarching economic and development plan. It was approved in April 2010.
<i>Poverty Reduction Strategy (PRSP / PARPA II / PARP III)</i>	PARP III is essentially the operational plan for the government's 5 year programme 2010 – 2014. While emphasizing the need for the promotion of growth in the private and productive sectors (especially SMEs), it requires that energy sustainability & environmental issues are taken into account by all development initiatives.

<i>Decree 01 / 2010</i>	Tariff for electricity used in agriculture
<i>[Biofuels Mandate 03 / 2011]</i>	Sets the blending levels of bio-ethanol in petrol at 10 % and bio-diesel in diesel fuel at 3 % in all fuel sold in Mozambique. Approved in March 2011 and believed to become effective in 2012; yet to be published